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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$270,380 IN UNITED)
STATES CURRENCY,)
)
Defendant.)

No. 09 - 05355 SBA

**STIPULATION TO STAY PROCEEDING
and [PROPOSED] ORDER**

IT IS HEREBY STIPULATED by and between plaintiff United States of America and potential claimants Billy and Connie Rainer, through undersigned counsel, that this action be stayed pursuant to 18 U.S.C. § 981(g) and 21 U.S.C. § 881(I).

On July 1, 2009, potential claimants were arrested for allegedly growing marijuana on the property where the defendant currency was seized, and the criminal case is currently being prosecuted in the Superior Court for the State of California in Lake County. The related criminal case is set for a hearing to set a Hobbs disclosure hearing on October 22, 2010, with a preliminary hearing to be set hereafter. The allegations in the present forfeiture complaint are related to the allegations at issue in the related criminal complaint and, consequently, the parties

1 agree that a stay in the forfeiture proceeding for 180 days is necessary, because continuation of
2 the forfeiture proceeding will burden the right of the claimant against self-incrimination in the
3 related criminal case and will adversely affect the prosecution of the related criminal case.

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5 IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

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8 Dated: September 20, 2010

/S/

DAVID COUNTRYMAN
Assistant United States Attorney

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12 Dated: September 20, 2010

/S/

BRIAN J. PETERSEN
Attorney for Potential Claimants
Billy and Connie Rainer

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16 **ORDER GRANTING STAY**

17 Pursuant to the parties' stipulation, and 18 U.S.C. § 981(g) and 21 U.S.C. § 881(i),

18 IT IS HEREBY ORDERED THAT:

19 (1) The instant action is STAYED until March 21, 2011. Should the state action be resolved
20 prior to March 21, 2011, the parties are to notify the Court in writing
21 immediately.

22 (2) A Case Management Conference is scheduled for April 6, 2011 at 2:30 p.m. The parties
23 shall **meet and confer** prior to the conference and shall prepare a joint Case Management
24 Conference Statement which shall be filed no later than ten (10) days prior to the Case
25 Management Conference that complies with the Standing Order For All Judges Of The Northern
26 District Of California and the Standing Order of this Court. Plaintiff shall be responsible for
27 filing the statement as well as for arranging the conference call. All parties shall be on the
28

1 line and shall call (510) 637-3559 at the above indicated date and time.

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3 IT IS SO ORDERED.
4 9/27/10

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6 HONORABLE SAUNDRA BROWN ARMSTRONG
7 United States District Judge
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